



California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

Information contained in this document is published as received from agencies and is not edited by the Office of State Publishing.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by sections 82011, 87303 and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

CONFLICT OF INTEREST CODE

AMENDMENT

STATE AGENCIES:

Employment Development Department
Department of Personnel Administration
The California State University

A written comment period has been established commencing on **November 1, 2002**, and closing on **December 16, 2002**. Written comments should be directed to the Fair Political Practices Commission, Attention: **Adrianne Korchmaros**, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed amendment to the conflict of interest code will be submitted to the Commission's Executive Director for his review, unless any interested person, or his or her duly authorized representative, requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed amendment will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced amendment to the conflict of interest code, proposed pursuant to Government Code section 87300, which designates, pursuant to Government Code section 87302, employees who must disclose certain investments, interests in real property, and income.

The Executive Director or the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the amendment to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments, or comments, in writing to the Executive Director of the Commission, relative to review of the proposed amendment to the conflict of interest code. Any written comments must be received no later than **December 16, 2002**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses, or small businesses.

AUTHORITY

Government Code sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to **Adrianne Korchmaros**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to **Adrianne Korchmaros**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

**TITLE 10. DEPARTMENT
OF INSURANCE**

**STATE OF CALIFORNIA
45 Fremont Street, 21st Floor
San Francisco, California 94105**

**NOTICE OF PROPOSED ACTION AND
NOTICE OF PUBLIC HEARING**

RH02023676

SUBJECT OF HEARING

The Insurance Commissioner proposes to adopt the regulations described below after considering comments from the public. The Commissioner proposes to add to Title 10, Chapter 5, Subchapter 3 of the California Code of Regulations the new Article 19, consisting of new Sections 2591, 2591.1, 2591.2, 2591.3, and 2591.4. The regulations will implement enforcement criteria and penalty guidelines.

AUTHORITY AND REFERENCE

The Commissioner proposes to adopt the proposed regulations under the express authority of California Insurance Code section 12921.1, subdivision (a), paragraph (7). To the extent that these regulations will apply to enforcement actions concerning the Unfair Practices Act, they are also expressly authorized by Insurance Code section 790.10. Additionally, these regulations are authorized by *CalFarm v. Deukmejian* (1989) 48 Cal.3d 805, 825 [258 Cal.Rptr. 161] and *20th Century v. Garamendi* (1994) 8 Cal. 4th 216, 280 [32 Cal.Rptr.2d 807], which recognize the Commissioner's implied authority to exercise those powers that may fairly be implied from the statute granting the powers. The proposed regulations are intended to implement those statutory provisions that recognize the Commissioner's authority to enforce the Insurance Code. The proposed regulations are also intended to implement those provisions of the Insurance Code which authorize the Commissioner to impose a penalty from within a specified range of penalties.

Specifically, the proposed regulations will implement, interpret and make specific Insurance Code sections 12921.1, subdivision (a), paragraph (7); 704.7; 769.86; 789.3; 790.035; 790.036; 790.07; 790.10; 1858.07; 1858.1; 1858.3; 1859.1; 1861.14; 10140.1; 10140.5; 10149.1; 10199.7; 10234.3; 10509.9; 11756; and 12414.25. The regulations will provide a list of criteria to determine which violations will be pursued through an enforcement action, and guidelines for determining the appropriate penalty to be assessed in connection with settlements of certain cases against insurers subject to penalties, under the

following statutes: Insurance Code sections 704.7, 769.86, 789.3, 790.035, 790.036, 790.07, 1858.07, 1858.1, 1858.3, 1859.1, 1861.14, 10140.1, 10140.5, 10149.1, 10199.7, 10234.3, 10509.9, 11756, and 12414.25.

PUBLIC HEARING

The Commissioner will hold a public hearing to provide all interested persons an opportunity to present statements or arguments, either orally or in writing, with respect to this regulation, as follows:

**Date and time: December 17, 2002
10:00 a.m.**

**Location: Department of Insurance
Hearing Room
45 Fremont Street, 22nd Floor
San Francisco, CA 94105**

The hearing will continue on the date noted above until all testimony has been submitted or 4:00 p.m., whichever is earlier.

**PRESENTATION OF WRITTEN AND/OR ORAL
COMMENTS; CONTACT PERSONS**

All persons are invited to present oral and/or written comments at the scheduled hearing. Written comments not presented at the hearing must be addressed to the following contact person:

Bryant Henley, Staff Counsel
California Department of Insurance
45 Fremont Street, 21st Floor
San Francisco, CA 94105
Telephone: (415) 538-4111

Questions regarding the hearing, comments, or the substance of the proposed action should be addressed to the above contact person. If the contact person is unavailable, inquiries may be sent to the backup contact person:

Lara Sweat, Staff Counsel
California Department of Insurance
45 Fremont Street, 21st Floor
San Francisco, CA 94105
Telephone: (415) 538-4192

DEADLINE FOR WRITTEN COMMENTS

All written materials must be received by the Commissioner, c/o the contact person at the address listed above, by no later than **5:00 p.m. on December 17, 2002**. Any materials received after that time will not be considered.

**COMMENTS TRANSMITTED BY
ELECTRONIC COMMUNICATION**

The Commissioner will accept written comments transmitted by e-mail, provided they are sent to the following e-mail address: henleyb@insurance.ca.gov. The Commissioner will also accept written comments transmitted by facsimile provided they are directed to

the attention of the contact person listed above. All comments sent by facsimile must be directed to the attention of Bryant Henley using the following fax number: (415) 904-5490. **Comments sent to other e-mail addresses or other facsimile numbers will not be accepted. Comments sent by e-mail or facsimile are subject to the deadline for written comments set forth above.**

ACCESS TO HEARING ROOMS

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person (listed above) for this hearing in order to make special arrangements, if necessary.

ADVOCACY OR WITNESS FEES

Persons or groups representing the interests of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of subchapter 4.5, title 10, of the California Code of Regulations, in connection with their participation in this matter. Persons interested in inquiring about the appropriate procedures should contact the Office of the Public Advisor at the following address:

California Department of Insurance
Office of the Public Advisor
300 Capitol Mall, 17th Floor
Sacramento, CA 95814
(916) 492-3559

A copy of any written materials submitted to the Public Advisor regarding this rulemaking must also be submitted to the contact person for this hearing, listed above. Please contact the Office of the Public Advisor for further information.

INFORMATIVE DIGEST

Summary of Existing Law

Because the tool of settlement is administratively efficient and furthers one of the purposes for which State agencies are created, the Department has the implied power to settle enforcement actions prior to a full hearing in accordance with the Administrative Procedures Act. (*Rich Vision Centers, Inc. v. Board of Medical Examiners* (1983) 144 Cal.App.3d 110, 115 [192 Cal.Rptr. 455].) There are no limitations on the conditions that may be included in a settlement except that such conditions cannot violate public policy, statute or regulation. (Id at p. 115–116; *see also* Gov. Code § 11415.60.) The purpose of these proposed regulations is to promote effective and equitable settlement of Department actions by promulgating guidelines for the enforcement and settlement of enforcement actions. The Commissioner, in proposing

these regulations, recognizes that the Department “must have flexibility in formulating the terms and conditions of any agreement to maximize benefit to the [agency].” (*Rich Vision Centers, Inc. v. Board of Medical Examiners* (1983) 144 Cal.App.3d 110, 116 [192 Cal.Rptr. 455].)

Insurance Code section 790.10 authorizes the Commissioner to promulgate reasonable rules and regulations as are necessary to administer the Unfair Practices Act (Insurance Code § 790, *et seq.*). Insurance Code section 12921.1, subdivision (a), paragraph (7) requires that the commissioner establish a list of criteria for enforcement actions and penalties. Additionally, the Department’s powers are not limited to those expressly granted in the legislation. The Department may also exercise such additional powers as are necessary for the due and efficient administration of powers expressly granted by statute, or as may fairly be implied from the statute granting the Department’s powers. (*CalFarm v. Deukmejian* (1989) 48 Cal.3d 805, 825 [258 Cal.Rptr. 161] and *20th Century v. Garamendi* (1994) 8 Cal. 4th 216, 280 [32 Cal.Rptr.2d 807].) Through the adoption of these regulations, the Commissioner intends to utilize his implied power to develop criteria for use in settling enforcement actions based upon violations of the Insurance Code. Specifically, the criteria will be used to determine which violations should be pursued through an enforcement action. Additionally, the Commissioner intends to promulgate guidelines to aid in determining the appropriate penalty for each violation based upon the nature, severity and frequency of the violation.

Insurance Code sections 704.7, 769.86, 789.3, 790.035, 790.036, 790.07, 1858.07, 1858.1, 1858.3, 1859.1, 1861.14, 10140.1, 10140.5, 10149.1, 10199.7, 10234.3, 10509.9, 11756, and 12414.25 provide penalty ranges for various violations of the Insurance Code. Some provisions authorize the Commissioner to impose a fine within a range “not to exceed” a certain penalty maximum. Other provisions authorize the Commissioner to impose a penalty of “no less than” a certain penalty minimum. The common variable with respect to each of these provisions is that none of the provisions provide a detailed list of criteria for calculating the appropriate penalty from within the range. For example, Insurance Code section 704.7 authorizes the Commissioner to impose a fine which “shall not exceed fifty-five thousand dollars,” but it does not provide any direction as to how the Commissioner should exercise his discretion to determine a penalty amount below \$55,000. The proposed regulations will aid the Commissioner’s efforts to determine the appropriate penalty amount by providing guidelines for enforcement and penalty amount.

Policy Statement Overview

These regulations are intended to provide greater uniformity in enforcement and in the assessment of penalties imposed upon insurers. The regulations will establish a list of criteria to be used to determine the nature, severity and frequency of each violation and will help to ensure that each imposed penalty will appropriately fit the observed violation. The decisions to engage in an enforcement action, and to determine the appropriate penalty must take into account a number of factors, which vary from case to case. The Commissioner recognizes that it is impossible to anticipate every significant factor that might affect each decision to conduct an enforcement action, or the determination of the appropriate penalty for each given case. These regulations, therefore, do not attempt to impose a rigid, inflexible formula for enforcement and penalty determinations. Instead, the Commissioner has decided upon a more flexible approach, designed to ensure that the Department will consider each case on its own facts and independently weigh the significance of each violation as well as the impact of the violation on the general public. Because the guidelines in this proposal are designed to aid the Department in settling enforcement actions equitably, these regulations are intended to apply solely to those cases where the parties have agreed to resolve the dispute through a settlement agreement.

To determine whether an enforcement action will be pursued, and to determine the appropriate penalty, the Commissioner proposes a list of relevant considerations. The Commissioner has determined that the relevant considerations are the detrimental impact and severity of the violation, the frequency of the occurrence of the violation, whether the violation was willful, the financial effect of the violation, the violator's compliance record, the length of the non-compliant activity, whether extraordinary circumstances exist, whether actions have been taken against previous insurers, the financial strength of the violator, and the degree to which a penalty or enforcement action may deter future violations. The importance of each of these considerations will vary from case to case, and the Commissioner will give to each consideration a weight, or no weight, as is deemed appropriate under the circumstances. These regulations also allow the Commissioner to expressly identify and take into account unique considerations, other than those listed in the regulations, so that the determination of whether or not to pursue an enforcement action and the decision as to the amount of the penalty to be assessed can in each case be arrived at equitably, depending on the facts surrounding the particular violation.

Finally, the regulations provide examples of how these criteria would be applied to hypothetical violations. The amount of penalty to be imposed will depend upon the seriousness of the violation. The amount of penalty will also depend upon which statutory penalty provisions are applicable to the violation identified.

Effect of Proposed Action

Currently, the Department does not have formal criteria in place to decide which cases should be pursued through an enforcement proceeding and to determine the appropriate penalty for each case. The proposed regulations will change this. The proposed regulations will provide a formal structure for deciding when to conduct an enforcement action. Similarly, while existing penalty statutes within the Insurance Code provide penalty ranges, they leave considerable latitude to the Department in the selection of the appropriate penalty from within the penalty range applicable to any given case. The proposed regulations will enable this discretionary penalty power to be exercised more methodically by providing guidelines by which the Department can more effectively ensure uniformity and consistency of penalties for similar circumstances.

The decisions to conduct an enforcement action and to demand a particular penalty, naturally, occur prior to an enforcement hearing. The proposed regulations will not affect cases in which an insurer disputes the existence of a violation and which result in an administrative order or judicial decision. However, the criteria and guidelines proposed herein will facilitate the Department's assessment of issues commonly confronted during settlement negotiations. The effect of the proposed regulations will be to provide greater transparency in the settlement negotiation process. Further, in the event that the Commissioner relies on criteria other than those provided in the proposed regulations, those criteria will be required to be expressly stated.

**PUBLIC DISCUSSIONS OF
PROPOSED REGULATIONS**

Pursuant to Government Code Section 11346.45, the Department mailed an Invitation to Prenotice Public Discussions to a number of consumer-group and insurer-group representatives. Subsequently, the Department held a one-day workshop in order to receive comments about the proposed regulation. Input from workshop participants was taken into account in the formulation of the proposed regulations.

**MANDATES ON LOCAL AGENCIES OR
SCHOOL DISTRICTS OR COSTS WHICH MUST
BE REIMBURSED PURSUANT TO
GOVERNMENT CODE SECTIONS
17500 THROUGH 17630**

This proposed regulation does not impose any mandate on local agencies or school districts. There are no costs to local agencies or school districts for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement.

COST OR SAVINGS TO ANY STATE AGENCY

The Commissioner has determined that the proposed regulations will result in no cost or savings to any state agency, no cost to any local agency or school district that is required to be reimbursed, no other nondiscretionary cost or savings imposed on local agencies, and no cost or savings in federal funding to the State.

**ECONOMIC IMPACT ON BUSINESSES AND
THE ABILITY OF CALIFORNIA BUSINESSES
TO COMPETE WITH OTHER STATES**

The Department has made an initial determination that the adoption of this regulation may have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states. The Department has not considered proposed alternatives that would lessen any adverse economic impact on business and invites you to submit proposals. Submissions may include the following considerations:

- (i) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to businesses.
- (ii) Consolidation or simplification of compliance and reporting requirements for businesses.
- (iii) The use of performance standards rather than prescriptive standards.
- (iv) Exemption or partial exemption from the regulatory requirements for businesses.

The types of businesses affected by the proposed regulations are insurers that transact insurance in the State of California.

**POTENTIAL COST IMPACT ON PRIVATE
PERSONS OR BUSINESSES**

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON JOBS IN CALIFORNIA

The Commissioner is required to assess any impact the regulations may have on the creation or elimination of jobs in the State of California, the creation of new businesses, the elimination of new businesses, and the expansion of businesses currently operating in the state. The Commissioner does not foresee that the proposed regulations will have an impact on any of the above but invites interested parties to comment on this issue.

IMPACT ON HOUSING COSTS

The matters proposed herein will have no significant effect on housing costs.

ALTERNATIVES

The Commissioner must determine that no reasonable alternative considered by the Commissioner or that has otherwise been identified and brought to the attention of the Commissioner would be more effective in carrying out the purposes for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action. The purpose of the proposed regulation is to implement a statutory mandate. To date, no reasonable alternative to the proposed regulations is apparent. The Commissioner, however, invites public comment on alternatives to the regulation.

IMPACT ON SMALL BUSINESS

The matters proposed herein will only affect insurance companies, and therefore will not affect small business. (Gov. Code § 11342.610, subd. (b), para. (2).)

COMPARABLE FEDERAL LAW

There are no existing federal regulations or statutes comparable to the proposed regulations.

**TEXT OF REGULATIONS AND
STATEMENT OF REASONS**

The Commissioner has prepared an initial statement of reasons that sets forth the reasons for the proposed action. The Commissioner also has available all the information upon which this proposed action is based and the express terms of the proposed action. Upon request, the initial statement of reasons will be made available for inspection and copying. Requests for the initial statement of reasons or questions regarding this proceeding should be directed to the contact person listed above. Upon request, the final statement of reasons will be made available for inspection and copying once it has been prepared. Requests for the final statement of reasons should be directed to the contact person listed above.

The file for this proceeding, which includes a copy of the proposed regulations, the statement of reasons, the information upon which the proposed action is

based, and any supplemental information contained in the rulemaking file, is available for inspection and copying **by prior appointment** at 45 Fremont Street, 21st Floor, San Francisco, California, 94105, between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday. Written requests for the rulemaking file or questions regarding this proceeding should be directed to the contact persons listed above.

FINAL STATEMENT OF REASONS

Upon **written or e-mail** request, the final statement of reasons will be made available for inspection and copying once it has been prepared. Written requests for the final statement of reasons should be directed to the contact person listed above.

AUTOMATIC MAILING

A copy of this notice, including the informative digest, which contains the general substance of the proposed regulations, will automatically be sent to all persons on the Commissioner's mailing list.

WEBSITE POSTINGS

Documents concerning this proceeding are available on the Department's website. To access them, go to <http://www.insurance.ca.gov>. Find near the top of the page the major heading 'Protecting Consumers.' In this section, scroll down until you see the subheading 'BE INFORMED.' Click on the nearby 'Proposed Regulations—Search' link. When the 'Search or Browse for Documents for Proposed Regulations' screen appears, you may choose to find the documents either by conducting a search or by browsing for them by name.

To search, enter "RH02023676" (the Department's regulation file number for these regulations) in the 'Search for' field. Alternatively, search using as your search term the California Insurance Code number of a code section that the regulations implement (for instance, "12921.1"), or search by keyword ("penalty," for example or "enforcement"). Then, click on the 'Submit' button to display links to the various filing documents.

To browse, click on the 'Browse All Regulations' button near the bottom of the screen. A list of the names of regulations for which documents are posted will appear. Find in the list the 'Enforcement Actions and Penalties' link, and click it. Links to the documents associated with these regulations will then be displayed.

AVAILABILITY OF MODIFIED TEXT OF REGULATION

If the regulations adopted by the Department differ from but are sufficiently related to the original text, the Department will make the modified text available to the public for at least 15 days prior to the date of

adoption. Interested persons should request a copy of these regulations prior to adoption from the contact person listed above.

TITLE 16. BOARD OF PHARMACY

NOTICE IS HEREBY GIVEN that the California State Board of Pharmacy is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments only in writing relevant to the action proposed.

Written comments must be received by the Board of Pharmacy at its office not later than 5 p.m. on December 16, 2002. Comments may be submitted by facsimile at (916) 327-6308. Comments may be submitted by email to Debbie_Anderson@dca.ca.gov. Comments may be submitted by mail to:

Board of Pharmacy
Attention: Debbie Anderson
400 R Street, Suite 4070
Sacramento, CA 95814

The board does not intend to hold a hearing in this matter. If any interested party wishes that a hearing be held, he or she must make the request in writing to the board. The request must be received in the board office no later than 5 p.m. on December 2, 2002 (30 days after the publication of the notice).

The Board of Pharmacy, upon its own motion or at the instance of any interested party, may thereafter adopt the proposal substantially as described below or may modify the proposal if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this notice as the contact person. The notice also will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

The Board of Pharmacy is considering changes to Division 17 of Title 16 of the California Code of Regulations pursuant to the authority vested by section 4005 of the Business and Professions Code and to interpret or make specific Business and Professions Code sections 4232. These changes are discussed below.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Amend 16 CCR section 1732.2, Coursework From Non Recognized Providers

Business and Professions Code section 4005 generally authorizes the board to amend rules and regulations pertaining to the practice of pharmacy.

Existing regulation (16 CCR section 1732.2 (a)) allows non-recognized providers of continuing education to pursue a petition process for coursework that meets the standards as set forth in Section 1732.1(c). Section 1732.2 (b) allows coursework provided by approved providers of the Medical Board of California, the California Board of Podiatric Medicine, the Board of Registered Nursing or the California State Board of Dental Examiners may be approved for continuing education credit for purposes of renewing a pharmacist license upon written request to the board provided the coursework meets the standards of relevance to pharmacy practice.

The proposed amendment to this section would allow the board to accept continuing education coursework approved by the Medical Board of California, the California Board of Podiatric Medicine, the California Board of Registered Nursing or the Dental Board of California upon completion by the pharmacist. This amendment would eliminate the required written petition to the Board of Pharmacy for such coursework.

The proposed amendment provides for changes in names of the Board of Registered Nursing to the California Board of Registered Nursing as well as the California State Board of Dental Examiners to the Dental Board of California.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Significant Adverse Economic Impact on Business: The board has determined that the proposed regulatory action would have no significant statewide adverse impact on California business enterprises and individuals, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: None

The Board of Pharmacy has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

The Board of Pharmacy has determined that this regulatory proposal should expand pharmacists' opportunities to comply with legal requirements for continuing education.

Cost Impact on Private Persons or Businesses Directly Affected: The Board of Pharmacy is aware that the fee for the evaluation of courses approved the Medical Board of California, the California Board of Podiatric Medicine, the Board of Registered Nursing and the Dental Board of California will no longer be collected by the Board of Pharmacy from private persons or businesses previously requesting evaluation.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESSES

The Board of Pharmacy has determined that the proposed regulations would affect small businesses.

CONSIDERATION OF ALTERNATIVES

The Board of Pharmacy must determine that no alternative which it considered would either be more effective in carrying out purpose for which the action is proposed or would be as effective as and less burdensome on affected private persons than the proposal described in this Notice.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board of Pharmacy has prepared an initial statement of the reasons for the proposed actions and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulation and of the statement of reasons and other information, if any, may be obtained upon request from the Board of Pharmacy at 400 R Street, Suite 4070, Sacramento, California 95814 and at the Board of Pharmacy's website <http://www.pharmacy.ca.gov>.

FINAL STATEMENT OF REASONS

The Board of Pharmacy will prepare a final statement of the reasons for the proposed action and a copy of this will be available upon request from the board or from the board's website at <http://www.pharmacy.ca.gov>.

AVAILABILITY AND LOCATION OF THE RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the board mentioned above.

CONTACT PERSON

Inquiries concerning the proposed administrative action may be addressed to Debbie Anderson at the above address or at (916) 445-5014, extension 4007 <Debbie_Anderson@dca.ca.gov>. For substance

questions call Debbie Anderson. Inquiries regarding notices for this or other rulemaking proposals may be addressed to Candy Place at the above address or at (916) 445-5014, ext. 4006. Inquiries regarding this or other rulemaking proposals may be addressed to Debbie Anderson at the above address or at (916) 445-5014, ext. 4007. The back up contact is Paul Riches. He may be reached via email at <Paul_Riches@dca.ca.gov> or telephone at (916) 445-5014, ext. 4016.

WEBSITE ACCESS

Materials regarding this proposal can be found at <http://www.pharmacy.ca.gov>.

TITLE 18. BOARD OF EQUALIZATION

NOTICE IS HEREBY GIVEN

The State Board of Equalization, pursuant to the requirement of Section 87306 of the Government Code, proposes to amend Regulation 6001, State Board of Equalization Conflict of Interest Code, in Title 18, Division 2.1 of the California Code of Regulations. A public hearing relevant to this action will be held in Room 121, 450 N Street, Sacramento, at 1:30 p.m., or as soon thereafter as the matter may be heard, on December 18, 2002. At the hearing, any person interested may present statements or arguments orally at that time and place. The State Board of Equalization will consider written statements or arguments if received by December 18, 2002.

INFORMATIVE DIGEST/PLAIN ENGLISH OVERVIEW

Regulation 6001, with Appendices A and B, is required by the Political Reform Act, which is found in Government Code sections 81000–91015. Regulation 6001 incorporates by reference the standard Conflict of Interest Code adopted by the Fair Political Practices Commission in Title 2 California Code of Regulation, section 18730. Appendix A lists all designated positions and the applicable designated disclosure categories. Appendix B describes the reporting requirements of each disclosure category.

There are no proposed changes to the Conflict of Interest Code itself. The proposed changes to Appendix A reflect the recent reorganization and reclassifications that have taken place at the Board since the conflict of interest code was amended last year. The statement regarding those auditors filing pursuant to Regulation 18733 has been rewritten for greater clarity and consistency with the regulation. The statement regarding consultants has also been modified for clarity. There are no proposed changes to Appendix B.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The State Board of Equalization has determined that the proposed amendment to the regulation does not impose a mandate on local agencies or school districts. Further, the Board has determined that the proposed amendment to the regulation will result in no direct or indirect cost or savings to any State agency, any local agency or school district that is required to be reimbursed under Part 7 (commencing with section 17500) of Division 4 of Title 2 of the Government Code or other non-discretionary cost or savings imposed on local agencies, or cost or savings on Federal funding to the State of California.

EFFECT ON BUSINESS

Pursuant to Government Code section 11346.5(a)(8), the Board of Equalization makes an initial determination that the adoption of the amendment to Regulation 1591 will have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The adoption of the proposed amendment to this regulation and the proposed regulations will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses nor create or expand business in the State of California.

The proposed regulations may affect small business.

COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SIGNIFICANT EFFECT ON HOUSING COSTS

No significant effect.

FEDERAL REGULATIONS

Regulation 6001 has no comparable federal regulation.

AUTHORITY

Section 87306, Government Code.

REFERENCE

Sections 87300–87302 and 87306 Government Code.

CONTACT

Questions regarding the content of the proposed regulation should be directed to Ms. Ani Kindall, Senior Tax Counsel, telephone (916) 324-2195, fax (916) 323-3387, email Ani.Kindall@boe.ca.gov, or

by mail at State Board of Equalization, Attn: Ani Kindall, MIC:82, P. O. Box 942879, Sacramento, CA 94279-0082.

Written comments for the Board's consideration, notice of intent to present testimony or witnesses at the public hearing, and inquiries concerning the proposed administrative action should be directed to Ms. Diane Olson, Regulations Coordinator, telephone (916) 322-9569, fax (916) 324-3984, e-mail Diane.Olson@boe.ca.gov or Ms. Karen Anderson, Contribution Disclosures Analyst, telephone (916) 327-1798, e-mail Karen.Anderson@boe.ca.gov or by mail at State Board of Equalization, Attn: Diane Olson or Karen Anderson, MIC:80, P.O. Box 942879, 450 N Street, Sacramento, CA 94279-0080.

ALTERNATIVES CONSIDERED

The Board must determine that no reasonable alternative considered by it or that has been otherwise identified and brought to its attention would be more effective in carrying out the purpose for which this action is proposed, or be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board has prepared an initial statement of reasons and an underscored version (express terms) of the proposed regulation. Both of these documents and all information on which the proposal is based are available to the public upon request. The rulemaking file is available for public inspection at 450 N Street, Sacramento, California. The express terms of the proposed regulation are available on the Internet at the Board's web site <http://www.boe.ca.gov>.

AVAILABILITY OF FINAL STATEMENT OF REASONS

The final statement of reasons will be made available on the Internet at the Board's web site following its public hearing of the proposed regulation. It is also available for your inspection at 450 N Street, Sacramento, California.

ADDITIONAL COMMENTS

Following the hearing, the State Board of Equalization may, in accordance with law, adopt the proposed amendment to the regulation if the text remains substantially the same as described in the text originally made available to the public. If the State Board of Equalization makes modifications which are substantially related to the originally proposed text, the Board will make the modified text, with the changes clearly indicated, available to the public for fifteen days before adoption of the regulation. The text of any modified regulation will be mailed to those

interested parties who commented orally or in writing or who asked to be informed of such changes. The modified regulation will be available to the public from Ms. Olson. The Board will consider written comments on the modified regulation for fifteen days after the date on which the modified regulation is made available to the public.

TITLE 18. BOARD OF EQUALIZATION

NOTICE IS HEREBY GIVEN

The State Board of Equalization, pursuant to the authority vested in it by section 15606(a) of the Government Code, proposes to amend Regulation 1802, *Place of Sale and Use for Purposes of Bradley-Burns Uniform Local Sales and Use Taxes*, in Title 18, Division 2, Chapter 4, of the California Code of Regulations, relating to sales and use tax. A public hearing on the proposed regulation will be held in Room 121, 450 N Street, Sacramento, at 1:30 p.m., or as soon thereafter as the matter may be heard, on December 18, 2002. At the hearing, any person interested may present statements or arguments orally or in writing relevant to the proposed regulatory action. The Board will consider written statements or arguments if received by December 18, 2002.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current law, Revenue and Taxation Code section 7205, provides that, in the event a retailer has no permanent place of business in the state or has more than one place of business, the place or places at which retail sales are consummated for the purpose of a sales tax levied by a city, county, or city and county (hereinafter referred to generally as "city"), shall be determined under rules and regulations adopted by the Board. Currently, Regulation 1802, Place of Sale and Use for Purposes of Bradley-Burns Uniform Local Sales and Use Taxes, provides that in the event a retailer has no place of business in this state except for a stock of tangible personal property, a sale is consummated at the location of the stock of tangible personal property from which the property sold is shipped or delivered.

The regulation is proposed to be amended to interpret, implement and make specific Revenue and Taxation Code section 7205. Amendments are proposed to (1) clarify that to be a place of sale within the meaning of section 7205, a sales office must participate in the sale; (2) correct a clerical error in an operative date; and (3) state that when sales are negotiated out of state but the property is shipped from an in-state stock of tangible personal property belonging to the retailer the local sales tax revenues

derived from such sales are to be allocated directly to the location of such in-state stock of goods under defined conditions, and subject to an operative date.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The State Board of Equalization has determined that the proposed amendment does not impose a mandate on local agencies or school districts. Further, the Board has determined that the amendment will result in no direct or indirect cost or savings to any State agency, any costs to local agencies or school districts that are required to be reimbursed under Part 7 (commencing with section 17500) of Division 4 of Title 2 of the Government Code or other non-discretionary costs or savings imposed on local agencies, or cost or savings in federal funding to the State of California.

EFFECT ON BUSINESS

Pursuant to Government Code section 11346.5(a)(8), the Board of Equalization makes an initial determination that the adoption of the amendment to Regulation 1802 will have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The adoption of the proposed amendment to this regulation and the proposed regulations will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses nor create or expand business in the State of California.

The proposed regulations may affect small business.

COST IMPACT ON PRIVATE PERSON OR BUSINESSES

That Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SIGNIFICANT EFFECT ON HOUSING COSTS

No significant effect.

FEDERAL REGULATIONS

Regulation 1802 and the proposed changes have no comparable federal regulations.

AUTHORITY

Section 7051, Revenue and Taxation Code.

REFERENCE

Section 7205 Revenue and Taxation Code.

CONTACT

Questions regarding the substance of the proposed regulation should be directed to Ms. Mariflor Jimenez (916) 324-2952, at 450 N Street, Sacramento, CA

95814, e-mail Mariflor.Jimenez@boe.ca.gov or MIC:50, P.O. Box 942879, 450 N Street, Sacramento, CA 94279-0050.

Written comments for the Board's consideration, notice of intent to present testimony or witnesses at the public hearing, and inquiries concerning the proposed administrative action should be directed to Ms. Diane Olson, Regulations Coordinator, telephone (916) 322-9569, fax (916) 324-3984, e-mail Diane.Olson@boe.ca.gov or Ms. Karen Anderson, Contribution Disclosures Analyst, telephone (916) 327-1798, e-mail Karen.Anderson@boe.ca.gov or by mail at State Board of Equalization, Attn: Diane Olson or Karen Anderson, MIC:80, P.O. Box 942879, 450 N Street, Sacramento, CA 94279-0080.

ALTERNATIVES CONSIDERED

The Board must determine that no reasonable alternative considered by it or that has been otherwise identified and brought to its attention would be more effective in carrying out the purpose for which this action is proposed, or be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board has prepared an initial statement of reasons and an underscored version (express terms) of the proposed regulation. Both of these documents and all information on which the proposal is based are available to the public upon request. The Rulemaking file is available for public inspection at 450 N Street, Sacramento, California. The express terms of the proposed regulation are available on the Internet at the Board's web site <http://www.boe.ca.gov>.

AVAILABILITY OF FINAL STATEMENT OF REASONS

The final statement of reasons will be made available on the Internet at the Board's web site following its public hearing of the proposed regulation. It is also available for your inspection at 450 N Street, Sacramento, California.

ADDITIONAL COMMENTS

Following the hearing, the State Board of Equalization may, in accordance with the law, adopt the proposed regulations if the text remains substantially the same as described in the text originally made available to the public. If the State Board of Equalization makes modifications which are substantially related to the originally proposed text, the Board will make the modified text, with the changes clearly indicated, available to the public for fifteen days before adoption of the regulation. The text of any

modified regulation will be mailed to those interested parties who commented on the proposed regulatory action orally or in writing or who asked to be informed of such changes. The modified regulation will be available to the public from Ms. Olson. The State Board of Equalization will consider written comments on the modified regulation for fifteen days after the date on which the modified regulation is made available to the public.

TITLE 18. BOARD OF EQUALIZATION

NOTICE IS HEREBY GIVEN

The State Board of Equalization, pursuant to the authority vested in it by section 15606(a) of the Government Code, proposes to promulgate Regulation 1671.1, Rebates and Incentives, in Title 18, Division 2, Chapter 4, of the California Code of Regulations, relating to sales and use tax. A public hearing on the proposed regulation will be held in Room 121, 450 N Street, Sacramento, at 1:30 p.m., or as soon thereafter as the matter may be heard, on December 18, 2002. At the hearing, any person interested may present statements or arguments orally or in writing relevant to the proposed regulatory action. The Board will consider written statements or arguments if received by December 18, 2002.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current law, Revenue and Taxation Code sections 6011 and 6012, provides that "sales price" (use tax) and "gross receipts" (sales tax), respectively, include the total amount for which tangible personal property is sold or leased, with specified exclusions.

Proposed Regulation 1671.1, Rebates and Incentives, is proposed to be promulgated to interpret, implement and make specific Revenue and Taxation Code sections 6011 and 6012. The regulation is proposed to promulgate in regulatory form current Board policies regarding when rebates and buy-downs are included in gross receipts or sales price, with the new requirement that the customer must provide the retailer with a coupon in order for tax to apply to any amounts rebated to that retailer.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The State Board of Equalization has determined that the proposed regulation does not impose a mandate on local agencies or school districts. Further, the Board has determined that the regulation will result in no direct or indirect cost or savings to any State agency, any local agency or school district that is required to be reimbursed under Part 7 (commencing with section

17500) of Division 4 of Title 2 of the Government Code or other non-discretionary cost or savings imposed on local agencies, or cost or savings in Federal funding to the State of California.

EFFECT ON BUSINESS

Pursuant to Government Code section 11346.5(a)(8), the Board of Equalization makes an initial determination that the adoption of Regulation 1671.1, will have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The adoption of the proposed regulation will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses nor create or expand business in the State of California.

The proposed regulation may affect small business.

COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SIGNIFICANT EFFECT ON HOUSING COSTS

No significant effect.

FEDERAL REGULATIONS

Proposed Regulation 1671.1 has no comparable federal regulations.

AUTHORITY

Section 7051 Revenue and Taxation Code.

REFERENCE

Sections 6011 and 6012 Revenue and Taxation Code.

CONTACT

Questions regarding the substance of the proposed regulation should be directed to Ms. Mariflor Jimenez, telephone (916) 324-2952, fax (916) 322-2958, e-mail Mariflor.Jimenez@boe.ca.gov or MIC:50, P.O. Box 942879, 450 N Street, Sacramento, CA 94279-0050.

Written comments for the Board's consideration, notice of intent to present testimony or witnesses at the public hearing, and inquiries concerning the proposed administrative action should be directed to Ms. Diane Olson, Regulations Coordinator, telephone (916) 322-9569, fax (916) 324-3984, e-mail Diane.Olson@boe.ca.gov or Ms. Karen Anderson, Contribution Disclosures Analyst, telephone (916) 327-1798, e-mail Karen.Anderson@boe.ca.gov

or by mail at State Board of Equalization, Attn: Diane Olson or Karen Anderson, MIC:80, P.O. Box 942879, 450 N Street, Sacramento, CA 94279-0080.

ALTERNATIVES CONSIDERED

The Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which this action is proposed or be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board has prepared a statement of reasons and an underscored version (express terms) of the proposed regulation. Both of these documents and all information on which the proposal is based are available to the public upon request. The rulemaking file is available for public inspection at 450 N Street, Sacramento, California. The express terms of the proposed regulation are available on the Internet at the Board's website <http://www.boe.ca.gov>.

AVAILABILITY OF FINAL STATEMENT OF REASONS

The final statement of reasons will be made available on the Internet at the Board's web site following its public hearing of the proposed regulation. It is also available for your inspection at 450 N Street, Sacramento, California.

ADDITIONAL COMMENTS

Following the hearing, the State Board of Equalization may in accordance with law adopt the proposed regulation if the text remains substantially the same as described in the text originally made available to the public. If the State Board of Equalization makes modifications which are substantially related to the originally proposed text, the Board will make the modified text, with the changes clearly indicated, available to the public for fifteen days before adoption of the regulation. The text of any modified regulation will be mailed to those interested parties who commented on the proposed regulatory action orally or in writing or who asked to be informed of such changes. The modified regulation will be available to the public from Ms. Olson. The State Board of Equalization will consider written comments on the modified regulation for fifteen days after the date on which the modified regulation is made available to the public.

TITLE 22. OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT

NOTICE OF PROPOSED RULEMAKING

California Code of Regulations, Title 22, Division 7, Chapter 10—Health Facility Data

Proposed Article 7, CABG Data Reporting Requirements, Sections 97170 to 97198

NOTICE IS HEREBY GIVEN that the Office of Statewide Health Planning and Development ("Office") proposes to adopt Article 7, Sections 97170 to 97198 of Title 22, Division 7, Chapter 10 of the California Code of Regulations (CCR).

PUBLIC HEARING

Notice is hereby given that the Office will hold a public hearing from 9:00 a.m. to noon on December 19, 2002 at the Bateson Building located at 1600 9th Street, Room 470, Sacramento, California 95814. The Bateson Building is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The Office requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD/ CONTACT PERSON

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Office. The written comment period closes at 5:00 p.m. on December 20, 2002. The Office will consider only comments received at the Office by that time.

General or substantive inquiries and comments concerning the proposed regulations should be addressed to the primary contact person named below. Comments may be delivered by Fax, e-mail, hand delivery, or mail. Submit comments to:

Joseph Parker, Ph.D.
Director, Clinical Data Programs
Healthcare Quality and Analysis Division
Office of Statewide Health Planning and Development
818 K Street, Suite 200
Sacramento, CA 95814
Tel: (916) 322-9298
Fax: (916) 322-9718
E-mail: jparker@oshpd.state.ca.us

General or substantive inquiries and comments can also be addressed to the backup contact person Loel Solomon, Ph.D., Deputy Director, Healthcare Quality and Analysis Division, Office of Statewide Health

Planning and Development, 818 K Street, Suite 200, Sacramento, CA 95814, Tel: (916) 445-7530, Fax: (916) 322-9718, E-mail: lsolomon@oshpd.state.ca.us.

All comments should include the author's name and U.S. Postal Service mailing or e-mail address in order for the Office to provide copies of any notices for proposed changes in the regulation text on which additional comments may be solicited. The Notice of Proposed Action, the Initial Statement of Reasons, and the proposed text of the regulations can be accessed through the Office's web site at www.oshpd.state.ca.us/HQAD/aboutus/laws.htm.

Please direct requests for copies of the proposed text of the regulations (the "express terms"), the Initial Statement of Reasons, the modified text of the regulations, if any, and other information upon which the rulemaking is based to Dr. Joseph Parker at the above address.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Section 128810 of the California Health and Safety Code, the Office proposes to adopt Sections 97170 to 97198 of Chapter 10 of Division 7 of the California Code of Regulations, which would implement, interpret, or make specific Sections 128745 and 128748 of the Health and Safety Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Office proposes to adopt Article 7 Sections 97170 to 97198 of Title 22 in the California Code of Regulations. These sections concern the implementation of the California CABG Outcomes Reporting Program (CCORP).

Health and Safety Code Sections 128745 and 128748 require the Office to publicly report risk-adjusted CABG outcomes for all hospitals and surgeons. The purpose of the proposed regulations is to implement CCORP, which directs hospitals where coronary artery bypass graft (CABG) surgery is performed to submit CABG surgery data to the Office on a semiannual basis. The Office will use the hospital-reported data to determine and publish risk-adjusted mortality rates for CABG surgery by hospital and surgeon. The proposed new sections establish the CABG surgery data reporting requirements for hospitals and surgeons.

Health and Safety Code Section 128748 requires the Office to appoint a nine-member clinical advisory panel that will review and approve the development of the risk adjustment model used for CABG surgery. Approval by the clinical advisory panel is required to add, delete or revise the data elements collected to prepare CABG surgery outcome reports.

As required by the Health Data and Advisory Council Consolidation Act that authorizes this pro-

posed regulatory action, the proposed regulations have been reviewed and approved by the California Health Policy and Data Advisory Commission.

The Office has determined that the regulations have been drafted in plain English.

Proposed CCR Section 97170, *Definitions*, defines terms as used in the proposed regulations.

Proposed CCR Section 97172, *Required Reporting*, specifies the requirement that hospitals file a semiannual report containing data for each adult CABG surgery performed during the reporting period.

Proposed CCR Section 97174, *Required Data Elements*, enumerates the required data elements, and their valid values and definitions/descriptions, to be reported for each CABG surgery. The data elements were reviewed and approved by the CCORP clinical advisory panel.

Proposed CCR Section 97176, *Reporting Periods and Due Dates*, stipulates that there are two annual reporting periods and that a report is due 90 days after the end of a reporting period.

Proposed CCR Section 97178, *Extensions to File Report*, provides that the Office will grant an automatic extension of 10 days if a hospital is not able to file a report by the due date. The Section provides that a hospital may request extensions if more time is needed to file a report.

Proposed CCR Section 97180, *Method of Data Collection*, specifies that hospitals must use the CCORP data collection tool, the National Society of Thoracic Surgeons (STS) tool, or another computer-based system to collect data. If neither the CCORP nor STS tool is used, hospitals may provide a test report to the Office using the collection system elected by the hospital. No more than 30 days may be granted.

Proposed CCR Section 97182, *Report Format*, specifies the computer media upon which hospitals will submit their reports. This proposed Section also specifies the format requirements for the reports.

Proposed CCR Section 97184, *Report Acceptance Criteria*, lists the format and submission requirements that must be met for the Office to accept a report from a hospital.

Proposed CCR Section 97186, *Report Acceptance or Rejection*, describes the Office's process for accepting or rejecting a submitted report. The Office will accept or reject a report within 60 days of receiving it. If a report is rejected, the Office will provide the hospital 10 days to resubmit the report. In the case of subsequent rejections of the same report, the Office may provide 5 days to resubmit. The hospital may also request an extension for more time to submit the report, as provided for in Section 97178.

Proposed CCR Section 97188, *Surgeon Certification of Data*, requires that each responsible surgeon, as defined in Section 97170, confirm the reported data

for his or her CABG surgeries in a report by completing a CCORP Surgeon Certification Form (OSH-CCORP 415 (New 10/02)). The Section sets forth the statement of certification and the other contents of the form. The form will be submitted by the hospital with its report. This proposed Section also provides that if a responsible surgeon does not complete and sign a CCORP Surgeon Certification Form (OSH-CCORP 415 (New 10/02)), a hospital must provide the surgeon's name and California physician license number on the CCORP Hospital Certification Form (OSH-CCORP 416 (New 10/02)), as specified in Section 97190.

Proposed CCR Section 97190, *Hospital Certification of Data*, requires that a hospital confirm the accuracy of the reported data by submitting a completed CCORP Hospital Certification Form (OSH-CCORP 416 (New 10/02)) with its report. The Section sets forth the statement of certification and the other contents of the form. This proposed Section also provides that a hospital must include the name and California physician license number for each responsible surgeon that does not complete and sign a CCORP Surgeon Certification Form (OSH-CCORP 415 (New 10/02)) as required in Section 97188. The Section stipulates that a hospital's Chief Executive Office or his or her designee will sign the CCORP Hospital Certification Form (OSH-CCORP 416 (New 10/02)).

Proposed CCR Section 97192, *Correction of Data*, provides that the Office may require a hospital to correct its submitted data if data element values are determined to be invalid or missing. The Section stipulates that if a hospital fails to provide a valid data value for a data element, as defined in Section 97174, the Office will assign the data element the lowest risk value as observed in the most current risk-adjustment model.

Proposed CCR Section 97194, *Audit Procedure*, provides that the Office may conduct periodic audits of a hospital's patient medical records for surgeries included in a report filed by the hospital. This proposed Section indicates the Office will provide a hospital 2 weeks notice of an audit and that the hospital will retrieve the requested medical records to be audited by the Office at the hospital. The Section also provides that data abstracted during an audit may, at the Office's discretion, replace data for a given record submitted by a hospital in its report.

Proposed CCR Section 97196, *Hospital Data Contact Person*, requires that each hospital at which CABG surgeries are performed will designate a data contact person for CCORP. The Section stipulates that a hospital will notify the Office of this person in

writing within 30 days of the effective date of this regulation or within 30 days of beginning or resuming operation.

Proposed CCR Section 97198, *Failure to File a CABG Report*, provides that a civil penalty of one hundred dollars per day will be charged to a hospital that does not file a report as required by the proposed regulations. The Section stipulates that no penalty will be imposed during an extension period as provided in Section 97178 or a resubmission period as provided in Section 97186. This proposed Section also provides that within 15 days after the date a report is due, the Office will notify a hospital that has not filed its report of the penalties.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Office has made the following initial determinations:

1. Local mandate: As the proposed regulations will impose requirements upon California hospitals that perform adult coronary artery bypass graft (CABG) surgeries, and will only incidentally affect governmental hospitals, there is no local mandate created by the proposed regulations that would require state reimbursement.
2. Estimated cost or savings to any state agency: None.
3. Cost to any local agency or school district that is required to be reimbursed by the state in accordance with Government Code Sections 17500 through 17630: None.
4. Non-discretionary cost or savings imposed on local agencies: None.
5. Cost or savings in federal funding to the state: None.
6. Significant impact on housing costs: None.
7. Potential cost impact on private persons or affected businesses: The estimated annual cost to comply with the proposed regulatory action for an average hospital is \$5,232.44.
8. Potential adverse economic impact on business: The Office has determined that the regulations would not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
9. The Office has determined that the regulations would not significantly affect the following:
 - 1) The creation or elimination of jobs with the State of California.
 - 2) The creation of new businesses or elimination of existing businesses within the State of California.

- 3) The expansion of businesses currently doing business within the State of California.
10. Business reporting requirement: The Office finds that it is necessary for the health, safety, or welfare of the people of this state that proposed sections 97170 through 97198, which require reporting, apply to businesses.
11. Small business determination: The proposed regulatory action does not affect small business. The health care facilities affected by the action either have more than 150 beds or more than \$1,500,000 in annual gross receipts. In accordance with Government Code Section 11342.610, these health care facilities are not defined as small businesses.

ALTERNATIVES CONSIDERED

The Office must determine in accordance with Government Code Section 11346.5(a)(13) that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the regulatory action is proposed or less burdensome to affected private persons than the proposed action.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Office will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this Notice, the proposed text of the regulations, and the Initial Statement of Reasons. Copies may be obtained by contacting Dr. Joseph Parker at the above address or accessed through the Office's web site at www.oshpd.state.ca.us/HQAD/aboutus/laws.htm.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Office may adopt the proposed regulations substantially as described in this Notice. If the Office makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Office adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Dr. Joseph Parker at the address indicated above. The Office will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Dr. Joseph Parker at the above address.

GENERAL PUBLIC INTEREST

CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER AN APPLICATION FOR A VARIANCE FROM THE REGULATION FOR REDUCING VOLATILE ORGANIC COMPOUND EMISSIONS FROM CONSUMER PRODUCTS

At the direction of the Executive Officer of the California Air Resources Board, a public hearing will be conducted at the time and place noted below to consider an application for a variance from the Regulation for Reducing Volatile Organic Compound Emissions from Consumer Products (the "Consumer Products Regulation"; title 17, California Code of Regulations, sections 94507-94517).

DATE: November 21, 2002

TIME: 9:30 a.m.

PLACE: California Environmental Protection Agency
Sierra Hearing Room
1001 I Street
Sacramento, California 95814

Section 94509(a) of the Consumer Products Regulation specifies volatile organic compound (VOC) limits for various categories of consumer products. These limits include a 50 percent by weight VOC limit for multi-purpose lubricants, which is scheduled to become effective January 1, 2003. In addition, section 94514 of the Consumer Products Regulation allows any person who cannot comply with the requirements of section 94509, because of extraordinary reasons beyond the person's reasonable control, to apply to the Executive Officer for a variance. The criteria and procedures for granting a variance are specified in section 94514.

The applicant listed below has applied for a variance under section 94514 from the 50 percent VOC limit for multi-purpose lubricants.

WD-40 Company
99 Morris Avenue
Springfield, New Jersey 07081

The public hearing to consider the variance application will be conducted in accordance with procedures set forth in section 94514 of the Consumer Products Regulation. At the hearing, the applicant will be asked to present evidence demonstrating that the criteria for granting a variance have been met. Interested members of the public will be allowed a reasonable opportunity to testify at the hearing. All parties may, but need not, be represented by counsel at the hearing. Subsequent to the hearing, the Executive Officer shall determine whether, under what conditions, and to what extent a variance is necessary and will be permitted.

This facility is accessible to persons with disabilities. If accommodation is needed, please contact Mr. Jose Saldana at (916) 322-0289, TDD (916) 324-9531 or (800) 700-8326 for TDD calls from outside the Sacramento area.

Copies of the Consumer Products Regulation and variance application may be obtained from the Public Information Office, California Air Resources Board, 1001 I Street, Sacramento, California 95814, (916) 322-2990, at least 30 days prior to the scheduled hearing. Further inquiries regarding this matter should be directed to Ms. Carla Takemoto, Manager, Technical Evaluation Section, Stationary Source Division, California Air Resources Board, P.O. Box 2815, Sacramento, California 95812, (916) 324-8028.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

NOTICE OF POSTPONEMENT

NOTICE OF PUBLIC HEARING TO CONSIDER PROPOSED REGULATIONS FOR WASTE TIRE MONOFILLS FACILITIES

BY NOTICE published in the September 6, 2002, California Notice Register, Register 2002, No. 36-Z, the California Integrated Waste Management Board (CIWMB) announced it would conduct a public hearing on proposed regulations for waste tire monofill facilities. The hearing was scheduled for November 6, 2002, at 9:00 a.m., at the Joe Serna, Jr. Cal/EPA Building, 2nd Floor Central Valley Auditorium, 1001 I Street, Sacramento, CA.

PLEASE BE ADVISED that the hearing is postponed to the following date, time and place:

DATE: November 12, 2002

TIME: The hearing will begin at 9:30 a.m. and conclude after all testimony is given.

PLACE: Joe Serna, Jr. Cal/EPA Building,
2nd Floor Central Valley Auditorium,
1001 I Street, Sacramento, CA

This facility is accessible to persons with disabilities.

The CIWMB requests that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

The proposed text of the regulations and other rulemaking documents are available on the Proposed Regulations page of the CIWMB's website at <http://www.ciwmb.ca.gov/Rulemaking/Monofill/>.

Questions or comments may be addressed to:

Keith Kennedy
California Integrated Waste Management Board
Permitting and Enforcement Division
P.O. Box 4025
Sacramento, CA 95812-4025
Phone: (916) 341-6341
FAX: (916) 319-7248
e-mail: kkennedy@ciwmb.ca.gov

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

NOTICE IS HEREBY GIVEN that the prospective contractors listed below have been required to submit a Nondiscrimination Program (NDP) or a California Employer Identification Report (CEIR) to the Department of Fair Employment and Housing, in accordance with the provisions of Government Code Section 12990. No such program or (CEIR) has been submitted and the prospective contractors are ineligible to enter into the State contracts. The prospective contractors signature on Standard Form 17A, 17B, or 19, therefore, does not constitute a valid self-certification. Until further notice, each of these prospective contracts in order to submit a responsive bid must present evidence that its Nondiscrimination Program has been certified by the Department.

ASIX Communications, Inc.
DBA ASI Telesystems, Inc.
21150 Califa Street
Woodland Hills, CA 91367

Bay Recycling
800 77th Avenue
Oakland, CA 94621

C & C Disposal Service
P. O. Box 234
Rocklin, CA 95677

Choi Engineering Corp.
286 Greenhouse
Marketplace, Suite 329
San Leandro, CA 94579

Fries Landscaping
25421 Clough
Escalon, CA 95320

Marinda Moving, Inc.
8010 Betty Lou Drive
Sacramento, CA 95828

MI-LOR Corporation
P. O. Box 60
Leominster, MA 01453

Peoples Ridesharing
323 Fremont Street
San Francisco, CA 94105

San Diego Physicians &
Surgeons Hospital
446 26th Street
San Diego, CA

Southern CA Chemicals
8851 Dice Road
Santa Fe Springs, CA 90670

Tanemura and Antle Co.
1400 Schilling Place
Salinas, CA 93912

Turtle Building Maintenance Co.
8132 Darien Circle
Sacramento, CA 95828

Univ Research Foundation
8422 La Jolla Shore Dr.
La Jolla, CA 92037

Vandergoot Equipment Co.
P.O. Box 925
Middletown, CA 95461

DEPARTMENT OF FISH AND GAME

Public Interest Notice

CESA CONSISTENCY DETERMINATION FOR Hunte Parkway Extension Project San Diego County

The Department of Fish and Game ("Department") received notice on October 18, 2002 that Dudek & Associates, Inc. and the City of Chula Vista proposes to rely on consultations between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act ("CESA"). This project consists of the construction, operation and maintenance of Hunte Parkway, a prime arterial that connects Interstate 805 with Otay Ranch development lands in San Diego County. The proposed project includes 8,800 feet of Hunte Parkway which will consist of a six-lane prime arterial roadway that will provide access to Village 11. The activities will result in impacts to native plant communities and Otay tarplant habitat areas along the eastern border of Hunte Parkway.

The U.S. Fish and Wildlife Service, issued to the U.S. Army Corps of Engineers (Corps), a no jeopardy federal biological opinion (FWS-SDG-2870.2) which considers the Federally threatened and State endangered Otay Tarplant (*Deinandra conjugens*), and authorizes incidental take.

Pursuant to California Fish and Game Code Section 2080.1, the Corps is requesting a determination on whether the Federal Biological Opinion FWS-SDG-2870.2 is consistent with CESA.

If the Department determines that the federal biological opinion is consistent with CESA, Dudek & Associates, Inc. will not be required to obtain an incidental take permit under CESA for the proposed project.

PROPOSITION 65

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65)

NOTICE TO INTERESTED PARTIES November 1, 2002

DECEMBER 17, 2002 MEETING OF THE SCIENCE ADVISORY BOARD'S CARCINOGEN IDENTIFICATION COMMITTEE

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHHA) is the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65).

The Carcinogen Identification Committee (CIC) of OEHHHA's Science Advisory Board identifies chemicals for addition to the list of chemicals known to the State to cause cancer, which is mandated by Health and Safety Code Section 25249.8. The Committee serves as the "State's qualified experts" for determining whether a chemical has been clearly shown, through scientifically valid testing according to generally accepted principles, to cause cancer.

A public meeting of this committee will be held on **Tuesday, December 17, 2002** at the California Environmental Protection Agency Headquarters Building, Coastal Hearing Room, at 1001 I Street, Sacramento, California, beginning at 10:00 a.m. and continuing until all business has been conducted, or 5:00 p.m.

OEHHA is committed to public participation and external scientific peer review in its efforts to implement Proposition 65. OEHHA welcomes public input on any of the agenda items identified below. The Committee prefers that information for its consideration be presented in writing prior to its meetings so that it can give due consideration to the material and so that it can devote time at the meetings to discussion and clarification, rather than to extensive oral testimony. The public comment period for the draft hazard identification document on phenelzine and its acid salts will close on November 19, 2002. Written comments on the draft hazard identification document on sodium saccharin and the other agenda items should be submitted by December 10, 2002, to Cynthia Oshita, Proposition 65 Implementation Office, 1001 I Street, 19th floor, Sacramento, California, 95814 or P.O. Box 4010, Sacramento, California, 95812-4010. Oral comments may be made to the Committee at the meeting on December 17, 2002.

The draft documents describing the "Evidence on the Carcinogenicity of Phenelzine and its Acid Salts" and "Evidence on the Carcinogenicity of Sodium Saccharin," are available from the Proposition 65 Implementation Office at (916) 445-6900 or from the OEHHA web site at <http://www.oehha.ca.gov/>. Copies of the materials related to the request for Committee review of statin drugs as a group for subsequent listing consideration are also available from the Proposition 65 Implementation Office or from the hyperlinks provided.

The order in which the Committee takes up items is subject to change at the discretion of the Chair. The tentative agenda for this meeting is as follows:

I. INTRODUCTION OF AND ADMINISTRATION OF THE OATH OF OFFICE TO NEWLY APPOINTED MEMBERS

II. CONSIDERATION OF A CHEMICAL AS KNOWN TO THE STATE TO CAUSE CANCER

Phenelzine and its Acid Salts

- Staff presentation
- Committee discussion
- Public comments
- Committee discussion and decision

III. CONSIDERATION OF A CHEMICAL, LISTED VIA THE STATE'S QUALIFIED EXPERTS MECHANISM, FOR POSSIBLE REMOVAL FROM THE LIST

Sodium Saccharin

- Staff presentation
- Committee discussion
- Public comments
- Committee discussion and decision

IV. CONSIDERATION OF REQUEST TO REVIEW STATIN DRUGS AS A GROUP FOR SUBSEQUENT LISTING CONSIDERATION

- Staff briefing of request
- Public comments
- Committee discussion and decision

VI. STAFF REPORTS

- A. Status of chemical listings via the administrative listing mechanisms
- B. Proposition 65 litigation and rulings
- C. Public comment

VII. SUMMARY OF COMMITTEE ACTIONS

Links to:

CIC Identification Committee Roster
Governor's Press Release, August 22, 2002

Links to documents related to statin drugs request:

O'Donnell and Shaeffer request letter
OEHHA response letter

**RULEMAKING PETITION
DECISIONS**

**DEPARTMENT OF MANAGED
HEALTH CARE**

October 15, 2002

John Metz, Chairman
California Consumer Health Care Council
P.O. Box 590307
San Francisco, CA 94159-0307

Re: September 2002 Petition for Adoption of Regulation

Dear Mr. Metz:

The Department of Managed Health Care (Department) is in receipt of your e-mail, dated September 13, 2002, requesting that the Department adopt a regulation under Government Code section 11340.6. Your proposed rule would provide that:

If a health plan wishes the Department of Managed Health Care or Independent Medical Reviewer to rely on any document submitted by the health plan, in making any determination related to a grievance filed by an enrollee against the plan, a person, with

firsthand knowledge of the material facts contained therein, shall verify that the document does not: 1) contain any untrue statement of material fact; or 2) omit to state any material fact which is required to be stated therein.

After considering your proposal, the Department declines to adopt the proposed regulation at this time. The proposed rule would impose broad requirements that are neither readily definable nor enforceable, and they render the health care service plans' filing requirements unduly burdensome without a definable benefit. The proposed regulation would in fact impede consumer protection because the requisite background information would be delayed or would not be forwarded unless someone could be located with the requisite knowledge to issue the verification.

It should also be noted that existing law already permits the Department access to the necessary material, factual information in this context. (See, e.g., California Health and Safety Code sections 1381 [requiring all records, books, and papers of a plan to be accessible to the Director] and 1396 [declaring that any willful false statement in any submission to the Department is unlawful].) In addition, the Department possesses authority to investigate and take enforcement action in the event material representations, fraud, alterations, etc., are reported and substantiated. (See, e.g., California Health and Safety Code sections 1368.04, 1374.27 and 1390 et seq.)

As you know, the Department may only enact regulations that are necessary and meet other statutory criteria (Government Code section 11349.1; Title 1 CCR section 10). At this time, the Department cannot identify a necessity for promulgating a regulation that would require the type of burdensome compliance efforts that your petition would seek. For the reasons discussed above, the Department declines to adopt the proposed regulation.

Sincerely,

G. LEWIS CHARTRAND, JR.
Assistant Deputy Director
Office of Legal Services

cc: Office of Administrative Law

Interested persons may obtain a copy of the petition by contacting:

Linda MacRae, Office of Legal Services
Department of Managed Health Care
980 Ninth Street, 5th Floor
Sacramento, CA 95814
(916) 322-6727

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

AIR RESOURCES BOARD

Heavy-Duty Diesel Engines for 2007

This rulemaking action will reduce emission standards for 2007 and subsequent year heavy-duty and medium-duty diesel engines, revise supplemental certification test procedures, and address compliance issues and measuring accuracy to the reduced emission standards. The standards correspond to federal standards applicable nationwide, except in California.

Title 13

California Code of Regulations

AMEND: 1956.8

Filed 10/18/02

Effective 11/17/02

Agency Contact:

Aron Livingston

(916) 322-2884

BOARD OF PHARMACY

Patient Privacy and Internet Dispensing

This regulatory action provides for the issuance of citations and fines by a committee of the Board of Pharmacy for (1) the disclosure of medical information in violation of the Confidentiality of Medical Information Act and (2) the dispensing or furnishing of dangerous drugs or devices on the Internet for delivery to any person in the state without a prescription issued pursuant to a good faith prior examination.

Title 16

California Code of Regulations

ADOPT: 1777, 1777.1, 1777.2, 1777.3, 1777.4, 1777.5, 1778, 1778.1, 1778.2, 1778.3

Filed 10/23/02

Effective 11/22/02

Agency Contact:

Paul Riches

(916) 445-5014 x4016

COMMISSION ON TEACHER CREDENTIALING Definitions and Terms and Acceptance of Electronic Signature

This Certificate of Compliance filing makes permanent the prior emergency adoption of provisions

establishing the Commission's process for utilization and acceptance of documents with electronic signatures.

Title 5

California Code of Regulations

ADOPT: 80434 AMEND: 80001

Filed 10/17/02

Effective 10/17/02

Agency Contact: Dale Janssen (916) 323-5065

DEPARTMENT OF CHILD SUPPORT SERVICES
Immediate Enforcement Actions

This emergency action implements new procedures intended to further the collection of child support, including income withholding, real property liens, and notification of credit reporting agencies; assure provision of medical insurance coverage, and related definitions.

Title 22

California Code of Regulations

ADOPT: 110226, 110242, 110251, 110336, 110337, 110355, 110485, 110547, 110615, 116004, 116018, 116036, 116038, 116042, 116061, 116062, 116063, 116100, 116102, 116104, 116106, 116108, 116110, 116114, 116116, 116118, 116120, 116122, 116124, 116130, 116132, 116

Filed 10/21/02

Effective 10/21/02

Agency Contact: Lucila Ledesma (916) 464-5087

DEPARTMENT OF FOOD AND AGRICULTURE
Pierces's Disease Control Program

The emergency regulatory action establishes the Pierce's Disease Control Program. (Department of Food and Agriculture File Number PH 0237.)

Title 3

California Code of Regulations

ADOPT: 3650, 3651, 3652, 3653, 3654, 3655, 3656, 3657, 3658, 3659, 3660, 3661, 3662, 3663, 3663.5

Filed 10/17/02

Effective 10/17/02

Agency Contact:

Barbara J. Hass (916) 654-1017

DEPARTMENT OF INSURANCE

Rate Hearing Procedures and Case Settlements

The regulatory action deals with rate hearing procedures and case settlements.(Department of Insurance Number RH 02020999.)

Title 10

California Code of Regulations

ADOPT: 2660 AMEND: 2646.2, 2648.4, 2651.1, 2652.5, 2655.1, 2655.5, 2655.6, 2655.10, 2656.1, 2656.2, 2656.3, 2656.4, 2657.2, 2658.1, 2659.1, 2661.3, 2697.3

Filed 10/16/02

Effective 11/15/02

Agency Contact:

Andrea L. Biren (415) 538-4626

DEPARTMENT OF SOCIAL SERVICES
Child Welfare Services Provisions of AB 1695

This emergency readoption implements recent legislation which exempts from the California Community Care Facilities Act, approved homes of relatives and nonrelative extended family members when children are placed by the juvenile court.

Title MPP

California Code of Regulations

AMEND: 31-001, 31-002, 31-075, 31-401, 31-405, 31-410, 31-420, 31-440, 31-445

Filed 10/21/02

Effective 10/30/02

Agency Contact:

Anthony J. Velasquez (916) 657-2586

FISH AND GAME COMMISSION

Herring and Herring Eggs

This regulatory action establishes fishing quotas for the 2002-2003 herring eggs on kelp (HEOK) fishing season.

Title 14

California Code of Regulations

AMEND: 163, 163.5, 164

Filed 10/21/02

Effective 10/21/02

Agency Contact: John M. Duffy (916) 653-4899

OFFICE OF THE STATE FIRE MARSHAL

High Powered Rocket Fees

This rulemaking establishes a fee for the manufacturer, importer/exporter, or wholesaler of high powered rockets.

Title 19

California Code of Regulations

AMEND: 981.3(a)(b)(d)

Filed 10/21/02

Effective 11/20/02

Agency Contact:

Rodney Slaughter (916) 445-8454

SUPERINTENDENT OF PUBLIC INSTRUCTION

Appeal & Dispute Resolution Procedures

The proposed emergency action amends the appeal procedure for the termination or suspension of contracts with child care and service providers. It would add the denial of access to records or a facility as good cause for termination or suspension.

Title 5

California Code of Regulations

AMEND: 18301

Filed 10/21/02
 Effective 10/21/02
 Agency Contact: Pat McGinnis (916) 657-4669

**CCR CHANGES FILED WITH THE
 SECRETARY OF STATE
 WITHIN JUNE 19, 2002
 TO OCTOBER 23, 2002**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 2

10/09/02 AMEND: 18539.2
 10/04/02 AMEND: 1859.81, 1859.91
 10/04/02 ADOPT: 18544
 09/16/02 AMEND: 1859.79, 1859.79.3, 1859.81.1, 1859.83, 1859.107
 09/12/02 AMEND: 18110, 18401, 18404.1, 18451, 18540, 18705.4, 18997
 09/09/02 AMEND: 1859.92, 1859.104, 1859.105, 1859.107
 08/19/02 ADOPT: 18535
 08/14/02 ADOPT: 56, 56.1, 56.2, 56.3, 56.4, 56.5, 56.6, 56.7, 56.8
 08/12/02 ADOPT: 57.1, 57.2, 57.3, 57.4
 08/12/02 ADOPT: 1859.71.2, 1859.78.4, 1859.108
 AMEND: 1859.50, 1859.70, 1859.72, 1859.73.1, 1859.73.2, 1859.74.1, 1859.75.1, 1859.76, 1859.78.2, 1859.79.3, 1859.81, 1859.81.1, 1859.82, 1859.100, 1859.101, 1859.102, 1859.107
 08/07/02 ADOPT: 59000
 07/31/02 ADOPT: 18450.1
 07/25/02 AMEND: 2970
 07/11/02 AMEND: 554.6
 07/11/02 AMEND: 18707.4
 07/11/02 ADOPT: 1859.200, 1859.201, 1859.202, 1859.203, 1859.204, 1859.205, 1859.206, 1859.207, 1859.208, 1859.209, 1859.210, 1859.211, 1859.212, 1859.213, 1859.214, 1859.215, 1859.216, 1859.217, 1859.218, 1859.219, 1859.220
 06/27/02 ADOPT: 2351
 06/27/02 ADOPT: 18450.3, 18450.4, 18450.5
 AMEND: 18402
 06/25/02 AMEND: 1189.10
 06/20/02 REPEAL: 548.96
 06/20/02 AMEND: 561.2, 561.3

Title 3

10/17/02 ADOPT: 3650, 3651, 3652, 3653, 3654, 3655, 3656, 3657, 3658, 3659, 3660, 3661, 3662, 3663, 3663.5
 10/09/02 AMEND: 1380.19(h), 1420.10, 1442.7
 REPEAL: 1420.9, 1442.10
 09/19/02 ADOPT: 6450, 6450.1, 6450.2, 6450.3, 6784 AMEND: 6000 REPEAL: 6450, 6450.1, 6450.2, 6450.3, 6784
 09/10/02 AMEND: 3700(c)
 09/09/02 AMEND: 6414
 08/30/02 AMEND: 3423(b)
 08/29/02 AMEND: 1408.3
 08/19/02 ADOPT: 3664, 3665, 3666, 3667, 3668, 3669
 08/14/02 AMEND: 6172, 6192, 6200, 6252
 08/13/02 AMEND: 3423(b)
 07/25/02 AMEND: 3423(b)
 07/23/02 ADOPT: 7015
 07/18/02 AMEND: 6000, 6710
 07/11/02 AMEND: 3700(b)
 07/03/02 AMEND: 1392.1, 1392.2, 1392.4, 1392.9.1
 07/01/02 ADOPT: 1180.3.1, 1180.3.2 AMEND: 300(c)
 06/20/02 REPEAL: 3431, 3591.17

Title 4

10/15/02 ADOPT: 1867
 10/07/02 ADOPT: 12300, 12301, 12302, 12303, 12304, 12305, 12306, 12307, 12308
 09/12/02 ADOPT: 8110, 8111, 8112, 8113, 8114, 8115, 8116, 8117, 8118, 8119, 8120, 8121, 8122, 8123, 8124, 8125
 09/03/02 AMEND: 1107
 08/15/02 ADOPT: 4144
 08/13/02 AMEND: 7000, 7001, 7002, 7003, 7003.5, 7004, 7005, 7006, 7007, 7008, 7009, 7010, 7011, 7012, 7013, 7013.1, 7013.5, 7014, 7015, 7016, 7017
 08/08/02 AMEND: 8072, 8074
 07/30/02 AMEND: 2050
 07/08/02 AMEND: 2049
 07/01/02 ADOPT: 12100, 12102, 12104, 12106, 12108, 12110, 12120, 12130

Title 5

10/21/02 AMEND: 18301
 10/17/02 ADOPT: 80434 AMEND: 80001
 08/15/02 ADOPT: 11980, 11981, 11982, 11983, 11984, 11985,
 08/13/02 ADOPT: 11969.10 REPEAL: 11969.9
 07/31/02 AMEND: 30950, 30951.1, 30952, 30953, 30954, 30955, 30956, 30957, 30958, 30959
 07/30/02 ADOPT: 11969.1, 11969.2, 11969.3, 11969.4, 11969.5, 11969.6, 11969.7, 11969.8, 11969.9

07/29/02 AMEND: 3051.16, 3065
 07/15/02 AMEND: 80105, 80109, 80110, 80111,
 80112, 80113, 80114, and 80115
 07/12/02 AMEND: 51010, 53000, 53001, 53002,
 53003, 53004, 53005, 53006, 53020,
 53021, 53022, 53023, 53024, 53025,
 53026, 53027, 53030, 53033, 53034
 06/28/02 ADOPT: 11983.5

Title 8

10/01/02 AMEND: 3457(b)
 09/25/02 AMEND: 451, 527
 09/19/02 AMEND: 14004, 14005
 09/12/02 AMEND: 1671.2
 09/09/02 ADOPT: 13635.1, 13655, 13656, 13657,
 13658, 13659 AMEND: 13630, 13631,
 13632, 13633, 13634, 13635, 13637,
 13638, 13639, 13640, 13641, 13642,
 13643, 13644, 13645, 13646, 13647,
 13648, 13649, 13650, 13651, 13652,
 13653, 13654
 09/03/02 ADOPT: 20299
 08/26/02 ADOPT: 340.40, 340.41, 340.42, 340.43,
 340.44, 340.45, 340.46, 340.47, 340.48,
 340.49, 340.50, 340.51, 340.52
 08/05/02 AMEND: 3362
 07/31/02 AMEND: 4799
 07/30/02 ADOPT: 290.0, 290.1, 291.0, 291.1,
 291.2, 291.3, 291.4, 291.5, 292.0, 293.0,
 294.0, 295.0
 07/11/02 AMEND: 3241(a)
 07/01/02 ADOPT: 417.5 AMEND: 406,
 411.1, 415, 417.3 REPEAL: 411.2, 411.3,
 411.4
 06/20/02 AMEND: 3700, 3702

Title 9

07/31/02 ADOPT: 9851, 9874 AMEND: 9800,
 9846, 9852, 9854, 9856, 9858, 9867,
 9876, 9884, 9886 REPEAL: 9857
 06/28/02 ADOPT: 9526, 9531 AMEND: 9500,
 9505, 9515, 9530, 9535

Title 10

10/16/02 ADOPT: 2660 AMEND: 2646.2, 2648.4,
 2651.1, 2652.5, 2655.1, 2655.5, 2655.6,
 2655.10, 2656.1, 2656.2, 2656.3, 2656.4,
 2657.2, 2658.1, 2659.1, 2661.3, 2697.3
 09/25/02 ADOPT: 2698.90, 2698.91
 09/25/02 AMEND: 250.9.1(a), 250.12(a), 250.51,
 350.60(a), 260.001, 260.100.1,
 260.100.3, 260.102.4(b), 260.102.8(b),
 260.102.16, 260.103, 260.105.28,
 260.105.33, 260.111, 260.112, 260.113,
 260.121, 260.131, 260.140.71.2,
 260.140.87(e), 260.140.110.2, 260.140.11
 09/19/02 AMEND: 2851, 2851.1
 08/30/02 AMEND: 5101

08/29/02 AMEND: 2698.200, 2698.201, 2698.301,
 2698.302
 08/28/02 ADOPT: 2278, 2278, 2278.1, 2278.2,
 2278.3, 2278.4, 2278.5
 08/28/02 AMEND: 2698.73
 08/27/02 AMEND: 2632.5(d)(11)
 08/20/02 ADOPT: 1729, 1741.5, 1950.302
 AMEND: 1741.5
 08/19/02 AMEND: 2130.3
 08/15/02 ADOPT: 5480, 5480.1, 5480.2, 5480.3,
 5480.4, 5480.5, 5480.6, 5480.7, 5480.8
 08/12/02 AMEND: 2318.6
 08/12/02 AMEND: 2318.6, 2353.1
 08/05/02 REPEAL: 310.100.1
 07/10/02 ADOPT: 1422, 1423
 07/02/02 AMEND: 6070
 06/24/02 ADOPT: 2698.68
 06/20/02 AMEND: 2498.6
 06/20/02 ADOPT: 2729.5, 2790.6, 2846.1
 AMEND: 2790.1, 2791.8, 2792, 2800,
 2810, 2811, 2910, 2911, 2912, 2930

Title 11

10/10/02 ADOPT: 435, 436, 437, 438, 439, 440,
 441, 442, 443, 444, 445, 446, 447, 448,
 449, 450, 451, 452, 453, 454, 455, 456,
 457, 458, 459, 460, 461, 462, 463, 464,
 465, 466, 467, 468, 469, 470, 471, 472,
 473, 474, 475, 476, 477, 478, 479, 480,
 481, 482, 483, 48
 10/07/02 ADOPT: 1012 AMEND: 1001, 1004,
 1005, PAM D-13 REPEAL: former 1005
 09/18/02 ADOPT: 61.8
 08/29/02 AMEND: 3000, 3001, 3003, 3007, 3008
 08/27/02 AMEND: 1070, 1082
 08/13/02 AMEND: 1005
 07/02/02 ADOPT: 410, 411, 415, 416, 417, 418,
 419, 419.1, 419.2, 419.3, 420, 421, 422,
 423, 424, 425, 426 REPEAL: 410, 411,
 415, 416, 417, 418, 419, 420, 421, 422,
 423, 424, 425, 426
 07/01/02 AMEND: 1081
 06/27/02 AMEND: 987.1
 06/19/02 ADOPT: 999.10, 999.11, 999.12, 999.13,
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